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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ALASKA**

LEE TAYLOR,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No.

**COMPLAINT FOR MEDICAL  
NEGLIGENCE**

**JURY DEMAND**

COME NOWS the Plaintiff, LEE TAYLOR, by and through Mark Choate of the  
Choate Law Firm, LLC, and for causes of action against Defendants, UNITED  
STATES OF AMERICA, on behalf of DEPARTMENT OF HEALTH & HUMAN  
SERVICES, INDIAN HEALTH SERVICES, SOUTHEAST ALASKA  
REGIONAL HEALTH CONSORTIUM, and allege:

COMPLAINT FOR MEDICAL NEGLIGENCE

*Taylor vs. USA*

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## VENUE AND JURISDICTION

1. The allegations in this Complaint arise from medical care provided to LEE TAYLOR from and between February 6, 2019 and February 8, 2019 at the SEARHC medical facility in Haines, Alaska, in the First Judicial District.

2. With respect to all claims, this Court has subject matter jurisdiction pursuant to 25 U.S.C. §450f (d). The amount in controversy is in excess of \$75,000.00 exclusive of interest and costs.

3. SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM, (hereinafter SEARHC) is, and at all times mentioned herein, is a non-profit Alaska Native tribal health care organization established in 1975 under the provisions of the Indian Self-Determination Act. SEARHC is engaged in the business of operating a health care clinic for the purposes of providing medical care and treatment to American Indians and Alaska Natives in Haines, Alaska.

4. SEARHC was, at all times relevant to this case, carrying out a contract under P.L. 93-638. The SEARHC physicians were at all times relevant to this case, acting within the scope of their employment with SEARHC. As such, they are

deemed to be employees of the United States under 25 U.S.C. § 450f(d). *See also*, Federal Tort Claims Act, 28 U.S.C. § 1346(b); § 8.04[2][a]. The act and omissions herein complained of occurred in said judicial district.

5. All jurisdictional prerequisites to bringing this action have been satisfied in accordance with the Federal Tort Claims Act § 2675(a). On December 23, 2019, Plaintiff filed Standard Form 95, *Claim for Damage, Injury, or Death* with the United States Department of Health & Human Services, Indian Health Services and the Indian Health Service Claims Branch. Plaintiff has had no response to that submission and thus deems said claim denied.

### **FIRST CAUSE OF ACTION**

#### **(Medical Negligence)**

6. Plaintiff realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 5 above.

7. In the months and years preceding February 2019, Plaintiff LEE TAYLOR was a patient of SEARHC, its employees, agents and doctors.

8. From and between February 6, 2019 and February 8, 2019, Plaintiff LEE TAYLOR continued under the care of SEARCH, its employees, agents and doctor

relative to a progressive complaints including, fever, new onset of acute lower back pain, limited range of motion, lethargy, and pain and numbness in his hands, feet and lower back .

8. During the above-described period, despite the presence of overwhelming symptoms and circumstances, SEARCH and its employees, agents and doctors failed to provide proper treatment, coordinated care and/or referral for treatment of LEE TAYLOR's septic spinal epidural abscess.

9. As a direct and legal result of the negligence and carelessness of the defendant, plaintiff was injured in his health, strength and activity, sustaining severe shock and injury to his emotional system and person, and causing plaintiff mental, physical and emotional pain and suffering and resulting in disability, all to his general damage in a sum which will be shown according to proof.

10. As a direct and legal result of the negligence and carelessness of the defendant, plaintiff was compelled to and did incur expenses for medical care, hospitalization, and other incidental expenses and will have to incur additional like

expenses in the future, all in amounts presently unknown to him and according to proof at time of trial.

19. As a direct and legal result of the aforesaid negligence and carelessness of the defendant, plaintiff has been prevented from attending to the duties of his usual occupation. Plaintiff has therefore lost earnings and earning capacity, past and future, all in amounts presently unknown to him, and according to proof at time of trial.

### **JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

### **PRAYER**

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. General damages in an amount that will conform to proof at time of trial;
2. Special damages in an amount in excess of the jurisdictional limits of this Court and according to proof;

3. Loss of earnings and impaired future earning capacity according to proof;
4. Past and future medical and incidental expenses, according to proof;
5. For prejudgment interest as provided by law;
6. For attorneys' fees as provided by law;
7. For such other and further relief as this Court deems proper.

DATED Tuesday, August 04, 2020, at Juneau, Alaska

Respectfully submitted,

CHOATE LAW FIRM LLC  
Attorneys for Plaintiff

*s/Mark Choate*

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